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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**DECLARATION OF ERNESTO
TRISTAN VERBURGT IN SUPPORT
OF UNITED STATES' SECOND
MOTION FOR SUMMONS**

I, Ernesto Tristan Verburgt, hereby declare as follows:

1. I am a Law Clerk in the United States Attorney's Office. I have received the following information from officers employed by the United States Park Police and assigned to Criminal Investigations Branch for the Presidio Trust and Golden Gate National Recreational Area.

2. On July 25, 2007, U.S. Park Police Officer Russell Kidd (“Officer Kidd”) responded to a report of an attempted burglary of a tool box in the back of a red Nissan pick up truck in the area of 104 Montgomery Street and the Main Post.

3. There, Officer Kidd met with two individuals, a witness and the owner of the truck.

1 According to the witness, he was standing on the second floor of 104 Montgomery St. when he
2 saw a white male, later identified as Wallace Wilson ("Wilson"), attempting to cut the locks off
3 of a tool box in the bed of the owner's truck.

4 4. The witness also stated that he saw a white female, later identified as Michele
5 Gloudemans ("Gloudemans"), in the driver's seat of a silver Chrysler Seabring with a black
6 convertible top. When Gloudemans noticed The witness in the window, she honked the horn to
7 alert Wilson, who returned to the car before they drove away. The witness told his supervisor,
8 who called the Park Police.

9 5. Approximately three to four minutes after a radio dispatch was given, Sergeant Robert
10 Jansing ("Sgt. Jansing") observed a silver Chrysler Seabring, with a black convertible top
11 approximately one-fifth of a mile away from the reported scene of the attempted burglary. Sgt.
12 Jansing also noticed that the male passenger and the female driver matched the description given
13 over the dispatch.

14 6. Sgt. Jansing also noticed that the Seabring was missing a front license plate in violation of
15 California Vehicle Code Section 5200.

16 7. Sgt. Jansing conducted a traffic stop of the Seabring. When he approached the vehicle, he
17 noticed a bolt cutter and brass knuckles, in violation of California Penal Code section 12020, in
18 plain view.

19 8. Sgt. Jansing told Gloudemans and Wallace to wait until Officer Kidd arrived with the
20 witness for identification. Officer Kidd arrived a couple of minutes later.

21 9. The witness was able to positively identified Wallace as the man who was attempting to
22 break open the tool box in the Nissan truck.

23 10. Gloudemans and Wallace were placed under arrest. Incident to their arrest, the officers
24 seized the pair of brass knuckles, of which Wilson claimed ownership. The officers also seized
25 the bolt cutter, which Wilson claimed he found.

26 11. Upon further investigation, Sgt. Jansing noticed the words "SF Marina" written and
27 etched into the bolt cutter. Sgt. Jansing spoke to San Francisco Marina Harbor Master Brad
28 Gross who said the bolt cutter belonged to the San Francisco Marina and went to pick it up. I

1 spoke to San Francisco Marina facilities manager Larry White who estimated the bolt cutter
2 went missing sometime in mid-May of 2007.

3 12. I declare under penalty of perjury, according to the laws of the United States, that the
4 foregoing is true and correct to the best of my knowledge and belief.

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6 Respectfully submitted,
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8 Dated: May 23, 2008
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/s/
ERNESTO TRISTAN VERBURGT
Law Clerk